

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2011-0029  
ROW # 10562746  
TP- 0100080507

**CITY OF AUSTIN**  
**APPLICATION TO BOARD OF ADJUSTMENT**  
**GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2106 Rabb Glen; Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision - Avon Heights section 1

Lot(s) 4 Block D Outlot          Division         

I/We HPI Design & Build, Inc./Ernest Hughes on behalf of  
myself/ourselves as authorized agent for

Antonio Giustino affirm that on  
February 16, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☐ MAINTAIN

☐ Convert an existing attic space in the garage to a personal office. This is an office

☐ space with no plumbing or other facilities.

in a SF-3 district.  
(zoning district)

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**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

the zoning regulations prevent use of the detached garage attic space as living space in this building that has existed for 17 years.

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**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The detached garage was constructed with the house approximately 17 years ago. We are seeking to improve the attic space to use as a personal office for the owner.

- (b) The hardship is not general to the area in which the property is located because:

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The detached garage will remain as it has for 17 years. The remodel work is well within the existing attic space and will meet all structural codes and building requirements. The footprint of the building will not change.

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**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

| Office addition in attic area of detached garage is for personal use.

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

| The office is for personal use. No outside traffic would impact the residential parking.

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

| Personal use of the office space in the attic of the garage will not draw outside traffic.

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

| N/A

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  
Gap



Mail

Address 3503 Cumberland

City, State & Zip Cedar Park, Texas  
78613

Printed HPI Design & Building, Inc./Ernest Hughes Phone 512-  
845-6180 Date 02/16/2011

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2106 Rabb  
Glen

City, State & Zip Austin, Texas  
78704

Printed Antonio Giustino Phone 512-925-  
4821 Date 02/16/2011

## GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### VARIANCE REQUIREMENTS:

#### General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

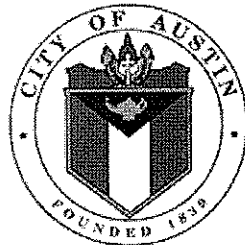
**Deleted:** <#>A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).

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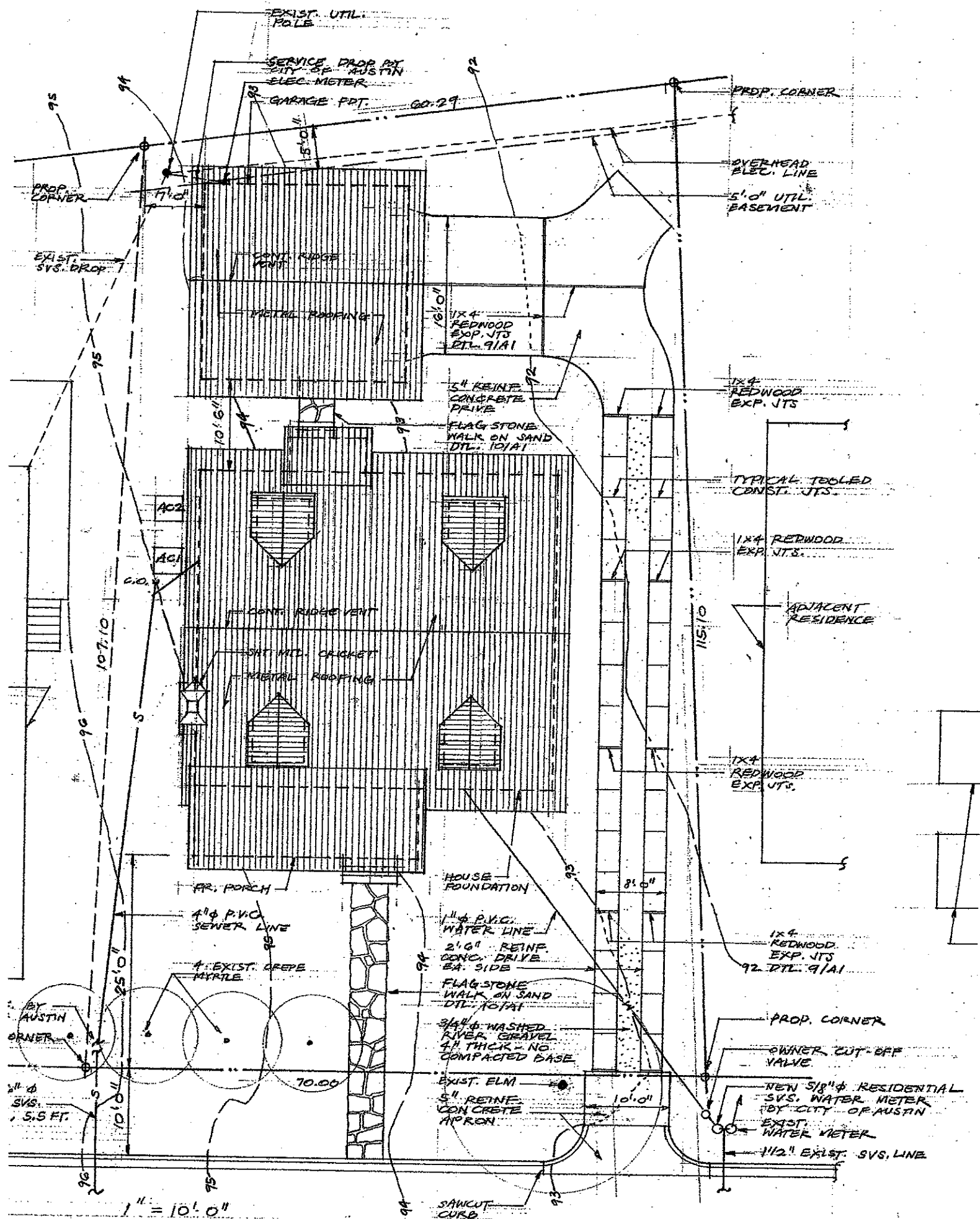


## BOARD OF ADJUSTMENTS

CASE#: C15-2011-0029  
LOCATION: 2106 RABB GLEN ST.  
GRID: G21  
MANAGER: S. WALKER

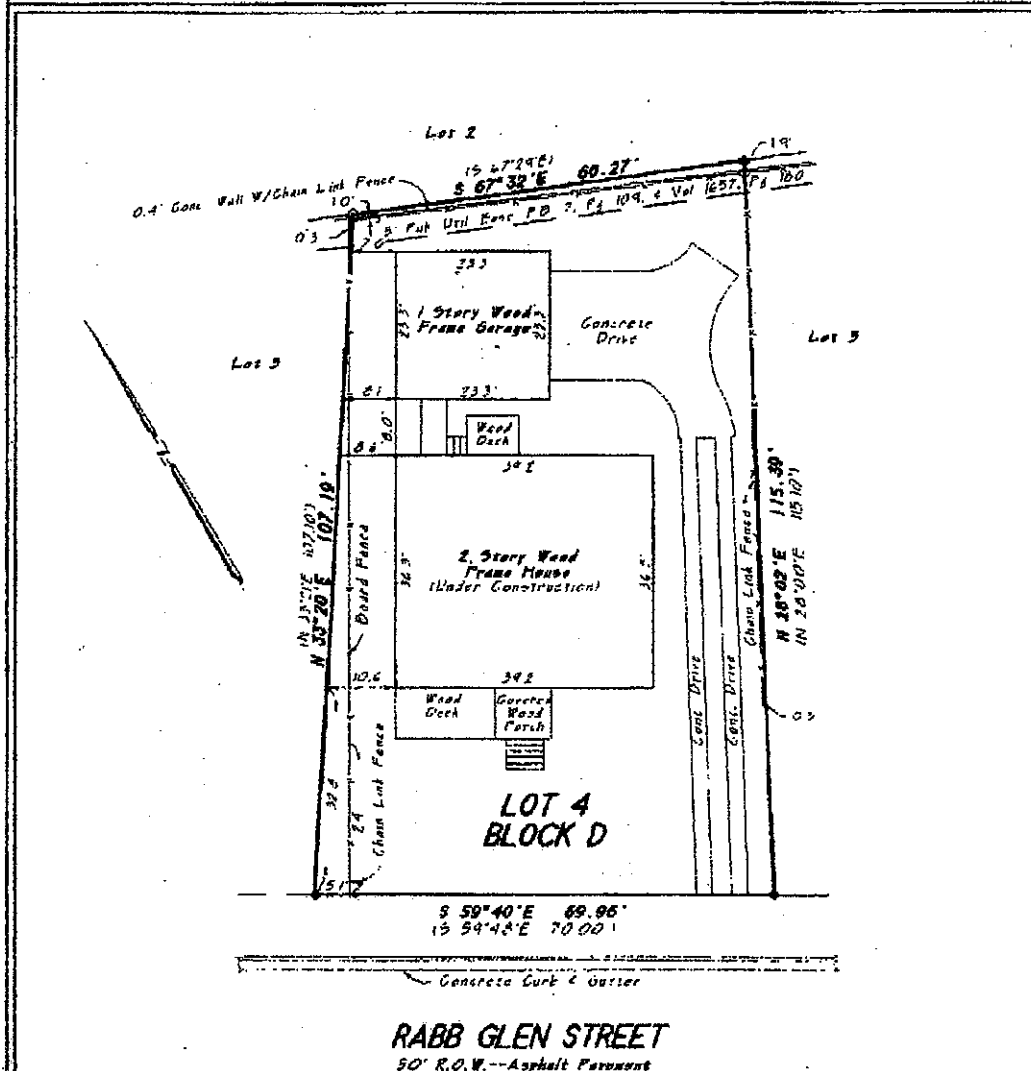


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## SURVEY PLAT

Local Address: 2106 Rabb Glen Street Described As Lot No. 4  
 Block D Avon Heights Section One A Subdivision in  
Travis County, Texas. Recorded in Plat Book 7 Page(s) 109  
 Plat Records, Travis County, Texas. Ref. \_\_\_\_\_



## LEGEND

- Conc. Monument Found
- Iron Pipe Found
- Iron Rod Found
- Iron Rod Set
- ▲ Nail Found
- ▲ Nail Set

( ) Record Information

Date 6/1/94

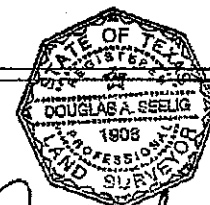
Scale 1"=20'

Invoice No. 10759

Work Order No. 10759

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

The property described hereon is not located in a designated Flood hazard area according to map panel 480624 0210E of the June 16, 1993 Flood Insurance Rate Map for Austin, Texas.



*Douglas A. Seelig*  
 DOUGLAS A. SEELIG  
 Registered Professional  
 Land Surveyor No. 1908

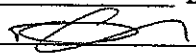
DOUG SEELIG LAND SURVEYORS, P.C.

3802 Manchaca Road - Austin, Texas 78704 - PH. (512) 440-0222

*Ant...*

*Y...*

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION "A"**

BP Number	<u>11-004500RM</u>
Building Permit No.	_____
Plat No.	_____ Date <u>1-16-11</u>
Reviewer	

**PRIMARY PROJECT DATA**

Service Address <u>2106 RABB GLEN AUSTIN TX 78704</u>		Tax Parcel No. _____
Legal Description Lot <u>4</u> Block <u>D</u> Subdivision <u>AVON HEIGHTS</u> Section <u>1</u> Phase _____		
If in a Planned Unit Development, provide Name and Case No. (attach final approved copies of subdivision and site plan)		
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.		
Description of Work		<input checked="" type="checkbox"/> Remodel (specify) <u>OFFICE ROOM ABOVE GARAGE EXISTING SPACE</u>
<input type="checkbox"/> New Residence		<input type="checkbox"/> Addition (specify) _____
<input type="checkbox"/> Duplex		<input type="checkbox"/> Other (specify) _____
<input checked="" type="checkbox"/> Garage <input type="checkbox"/> attached <input checked="" type="checkbox"/> detached		
<input type="checkbox"/> Carport <input type="checkbox"/> attached <input type="checkbox"/> detached		
<input type="checkbox"/> Pool		
Zoning (e.g. SF-1, SF-2...) <u>SF-3</u>		
- Height of Principal building <u>20</u> ft. # of floors <u>2</u> Height of Other structure(s) _____ ft. # of floors <u>2</u>		
- Does this site currently have water and wastewater availability? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If no, please contact the Austin Water Utility at 512-972-0000 to apply for water and/or wastewater tap application, or a service extension request.		
- Does this site have a septic system? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If yes, for all sites requiring a septic field you must obtain an approved septic permit prior to a zoning review.		
Does this site have a Board of Adjustment ruling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach the B.O.A. documentation		
Will this development require a cut and fill in excess of 4 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Does this site front a paved street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No A paved alley? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is this property within the Residential Design and Compatibility Standards Ordinance Boundary Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

**VALUATIONS FOR REMODELS ONLY**

**VALUATIONS FOR NEW CONSTRUCTION OR ADDITIONS ONLY**

**PERMIT FEES**  
(For office use only)

Building	\$ <u>20990.62</u>
Electrical	\$ <u>1500.00</u>
Mechanical	\$ <u>2600.00</u>
Plumbing	\$ _____
Driveway/ Sidewalk	\$ _____
<b>TOTAL</b>	<b>\$ <u>24990.62</u></b>
(labor and materials)	

Lot Size	<u>7073</u> sq.ft.
Job Valuation - Principal Building	\$ _____
(Labor and materials)	
Job Valuation - Other Structure(s)	\$ _____
(Labor and materials)	
<b>TOTAL JOB VALUATION</b>	
(sum of remodels and additions)	
\$	<u>24990.62</u>
(Labor and materials)	

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>	<b>\$ _____</b>

**OWNER / BUILDER INFORMATION**

OWNER	Name <u>ANTONIO GIUSTINO</u>	Telephone (h) <u>512 (w) 925 4821</u>
BUILDER	Company Name <u>HPI DESIGN &amp; BUILD, INC.</u>	Telephone <u>C-845-6180</u>
	Contact/Applicant's Name <u>ERLIE HUGHES</u>	Pager _____
DRIVEWAY/ SIDEWALK	Contractor <u>ERLIE HUGHES</u>	FAX <u>331 9763</u>
		Telephone <u>512 845 6180</u>
CERTIFICATE OF OCCUPANCY	Name <u>ANTONIO GIUSTINO</u>	Telephone <u>925 4821</u>
	Address <u>2106 RABB GLEN</u>	City <u>AUSTIN</u> ST <u>TX</u> ZIP <u>78704</u>

If you would like to be notified when your application is approved, please select the method:

☐ telephone

☒ e-mail: HPI@AUSTIN.RR.COM

You may check the status of this application at [www.ci.austin.tx.us/development/picrivr.htm](http://www.ci.austin.tx.us/development/picrivr.htm)



CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "B"

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I understand that nothing may be built upon or over an easement. I further understand that no portion of any roof structure may overhang in any public utility or drainage easement.

I acknowledge that customer will bear the expense of any necessary relocation of existing utilities to clear this driveway location and/or the cost to repair any damage to existing utilities caused during construction.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE Ernest P. Hughes DATE 01-19-11

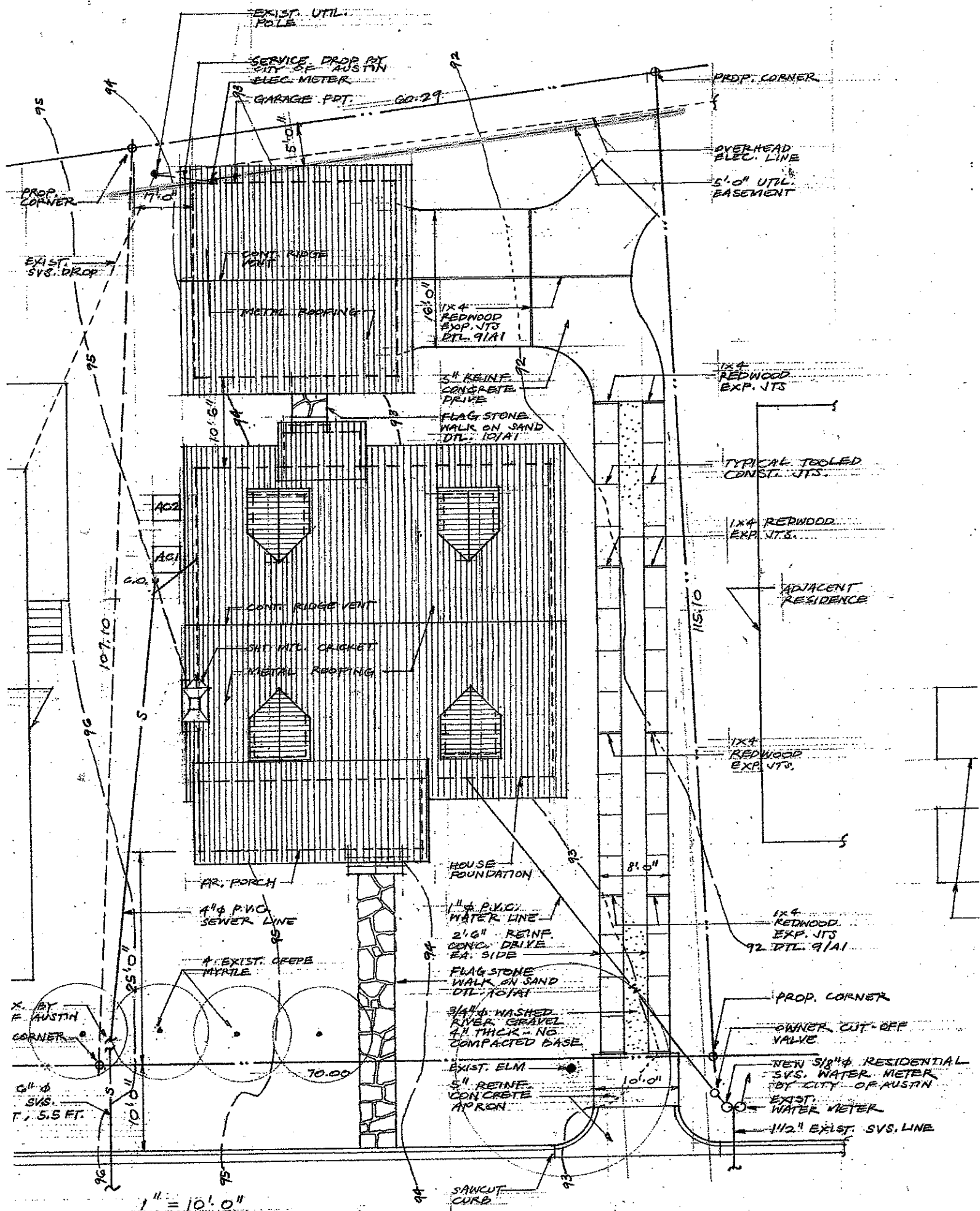
HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction) \_\_\_\_\_

Rejection Notes/Additional Comments (for office use only):

Dec 6 see survey to scale  
CEISV  
TCADV  
AMANDAV

Service Address 2106 RABB CLEN AUSTIN TEXAS 78704

Applicant's Signature Ernest P. Hughes Date 1-19-11



CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "C"

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	sq.ft.	sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	sq.ft.	sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	sq.ft.	sq.ft.
d. Basement	sq.ft.	sq.ft.
e. Garage / Carport	sq.ft.	sq.ft.
attached	sq.ft.	sq.ft.
detached	sq.ft.	sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	sq.ft.
g. Breezeways	sq.ft.	sq.ft.
h. Covered patios	sq.ft.	sq.ft.
i. Covered porches	sq.ft.	sq.ft.
j. Balconies	sq.ft.	sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.	sq.ft.
l. Other building or covered area(s)	sq.ft.	sq.ft.
Specify _____		
TOTAL BUILDING AREA (add a. through l.)		sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract, if applicable, b., c., d., k. and f. if uncovered)

sq.ft.  
% of lot

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	sq.ft.
b. Driveway area on private property	sq.ft.
c. Sidewalk / walkways on private property	sq.ft.
d. Uncovered patios	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	sq.ft.
f. Air conditioner pads	sq.ft.
g. Concrete decks	sq.ft.
h. Other (specify) _____	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.)

sq.ft.  
% of lot

**CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION "D"  
FLOOR AREA RATIO INFORMATION**

**TO BE COMPLETED FOR ALL PROPERTIES LOCATED WITHIN THE RESIDENTIAL DESIGN AND COMPATIBILITY  
STANDARDS ORDINANCE BOUNDARY AREA.**

Service Address \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**GROSS FLOOR AREA AND FLOOR AREA RATIO as defined in the Austin Zoning Code.**

	<u>Existing</u>	<u>New / Addition</u>
<b>I. 1<sup>st</sup> Floor Gross Area</b>		
a. 1 <sup>st</sup> floor area (excluding covered or uncovered finished ground-floor porches)	<u>1404</u> sq.ft.	_____ sq.ft.
b. 1 <sup>st</sup> floor area with ceiling height over 15 feet.	_____ sq.ft.	_____ sq.ft.
c. TOTAL (add a and b above)	<u>1404</u> sq.ft.	_____ sq.ft.
<b>II. 2<sup>nd</sup> Floor Gross Area See note <sup>1</sup> below</b>		
d. 2 <sup>nd</sup> floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft)	<u>704</u> sq.ft.	<u>200</u> sq.ft.
e. 2 <sup>nd</sup> floor area with ceiling height > 15 feet.	_____ sq.ft.	_____ sq.ft.
f. TOTAL (add d and e above)	<u>704</u> sq.ft.	<u>200</u> sq.ft.
<b>III. 3<sup>rd</sup> Floor Gross Area See note <sup>1</sup> below</b>		
g. 3 <sup>rd</sup> floor area (including all areas covered by a roof i.e. porches, breezeways, mezzanine or loft).	_____ sq.ft.	_____ sq.ft.
h. 3 <sup>rd</sup> floor area with ceiling height > 15 feet	_____ sq.ft.	_____ sq.ft.
i. TOTAL (add g and h above)	_____ sq.ft.	_____ sq.ft.
<b>IV. Basement Gross Area</b>		
j. Floor area outside footprint of first floor or greater than 3 feet above grade at the average elevation at the intersections of the minimum front yard setback line and side property lines.	_____ sq.ft.	_____ sq.ft.
<b>V. Garage</b>		
k. _____ attached (subtract 200 square feet if used to meet the minimum parking requirement)	<u>79</u> sq.ft.	_____ sq.ft.
l. _____ detached (subtract 450 square feet if more than 10 feet from principal structure)	<u>79</u> sq.ft.	_____ sq.ft.
<b>VI. Carport (open on two or more sides without habitable space above it subtract 450 square feet)</b>	_____ sq.ft.	_____ sq.ft.
<b>VII. TOTAL</b>	<u>2187</u> sq.ft.	<u>200</u> sq.ft.

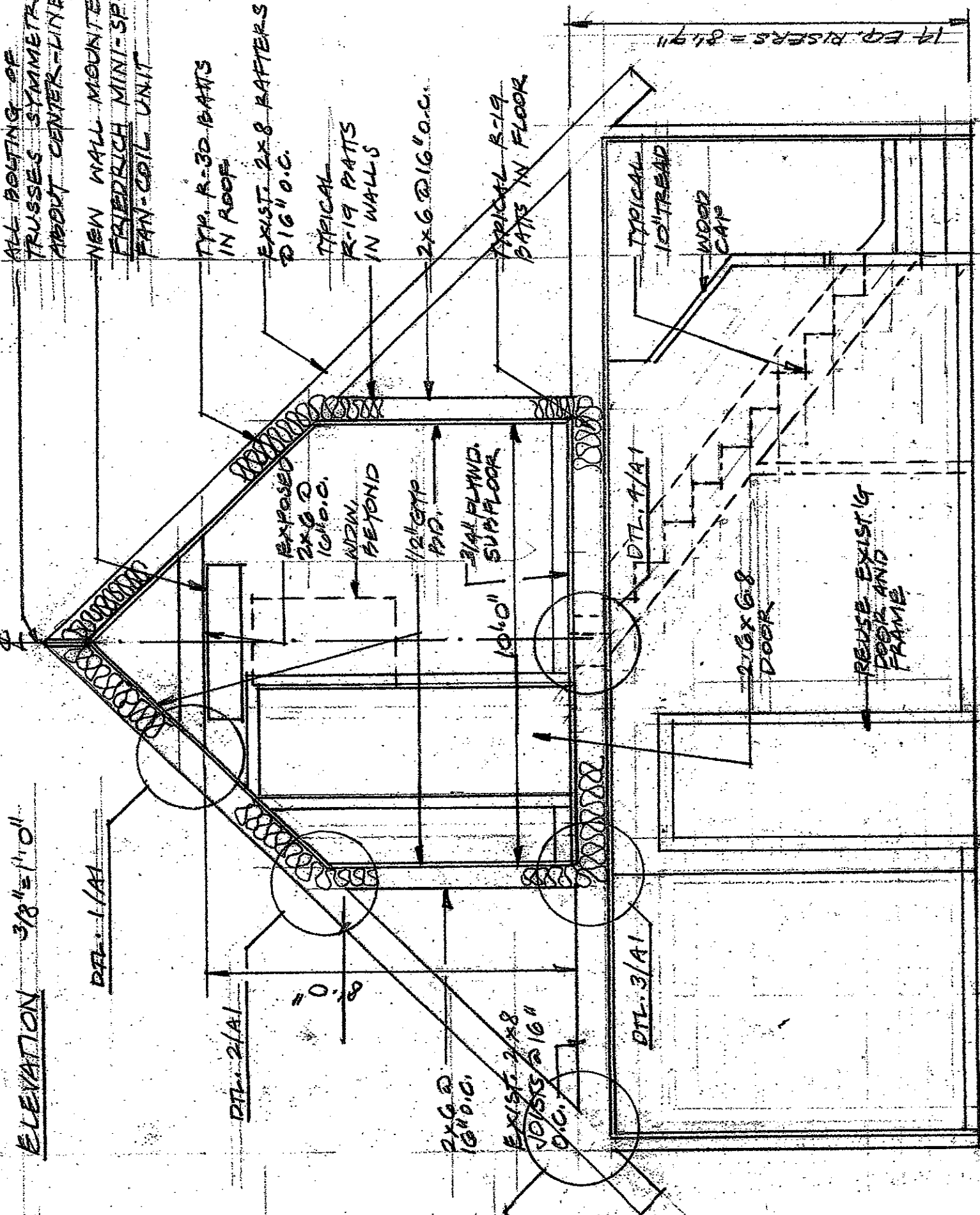
<b>TOTAL GROSS FLOOR AREA (add existing and new from VII above)</b>	
<u>2387</u>	<b>sq. ft.</b>
<b>GROSS AREA OF LOT</b>	
<u>7073</u>	<b>sq. ft.</b>
<b>FLOOR AREA RATIO (gross floor area /gross area of lot)</b>	
<u>33.7</u>	<b>sq. ft.</b>

<sup>1</sup> If a second or third floor meets all of the following criteria it is considered to be attic space and is not calculated as part of the overall Gross Floor Area of the structure.

- It is fully contained within the roof structure and the roof has a slope of 3 to 12 or greater
- It only has one floor within the roof structure
- It does not extend beyond the foot print of the floors below
- It is the highest habitable portion of the building; and
- Fifty percent or more of the area has a ceiling height of seven feet or less.

ELEVATION 3/8" = 1'-0"

ALL BOLTING OF  
TRUSSES SYMMETRICAL  
ABOUT CENTER-LINE  
NEW WALL MOUNTED  
FRIEDRICH MINI-SECT  
FAN-COIL UNIT



38" = 1'0"

REMOVE EXIST. WDW.

SHUT. MTL.  
FLASHING

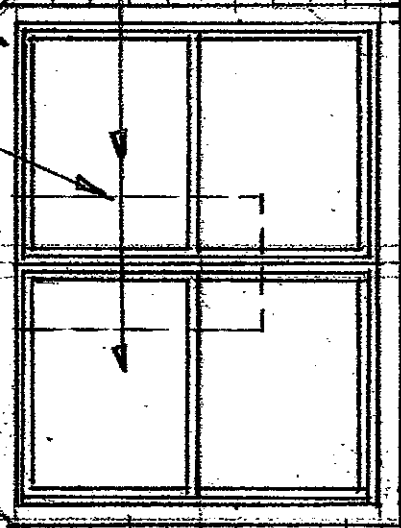
WATER-TRIM

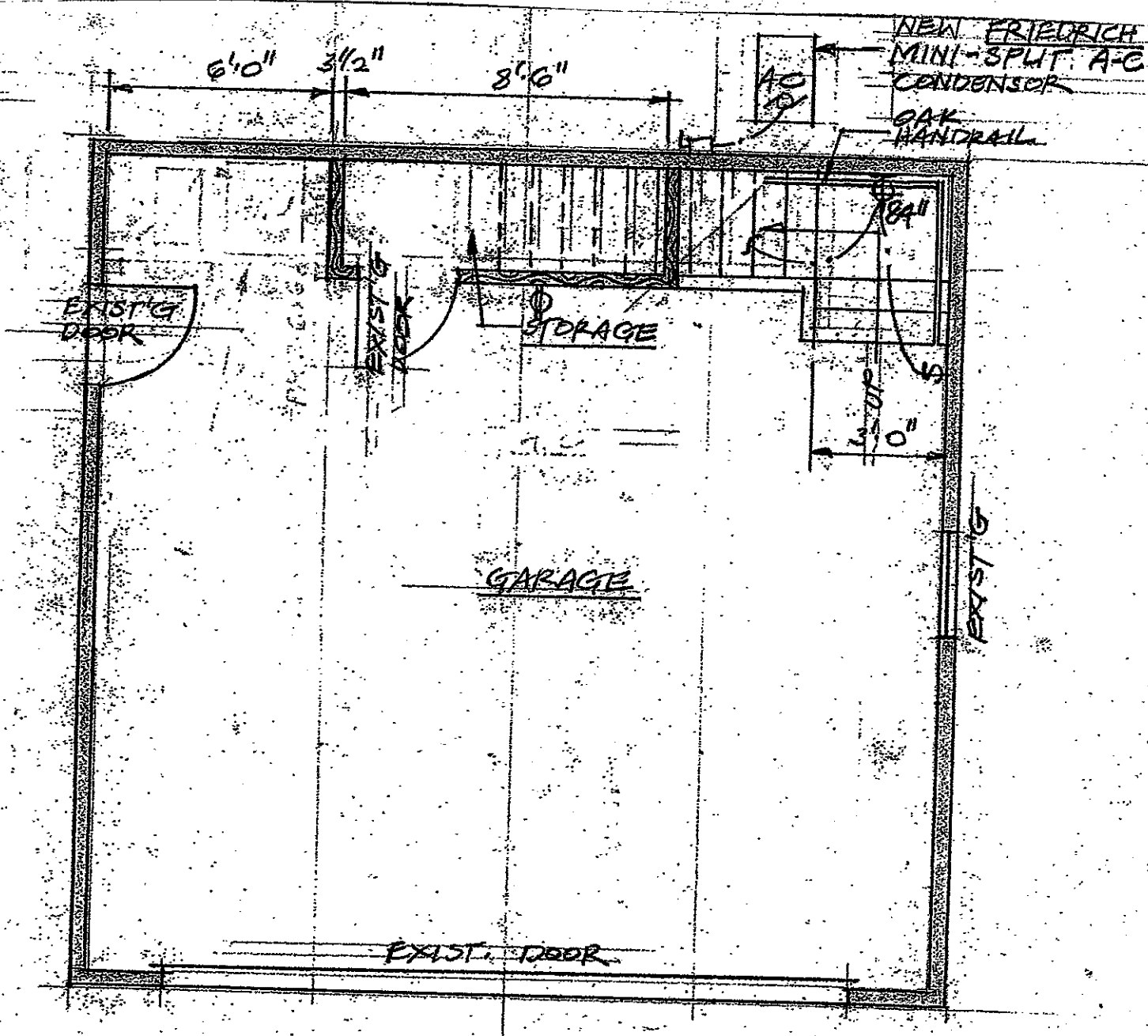
NEW 3'6" X 5'0" SH  
ALUM. WDS. BY  
DEN YOUNG CO.

8'0" X 10'

ROOM  
BEYOND

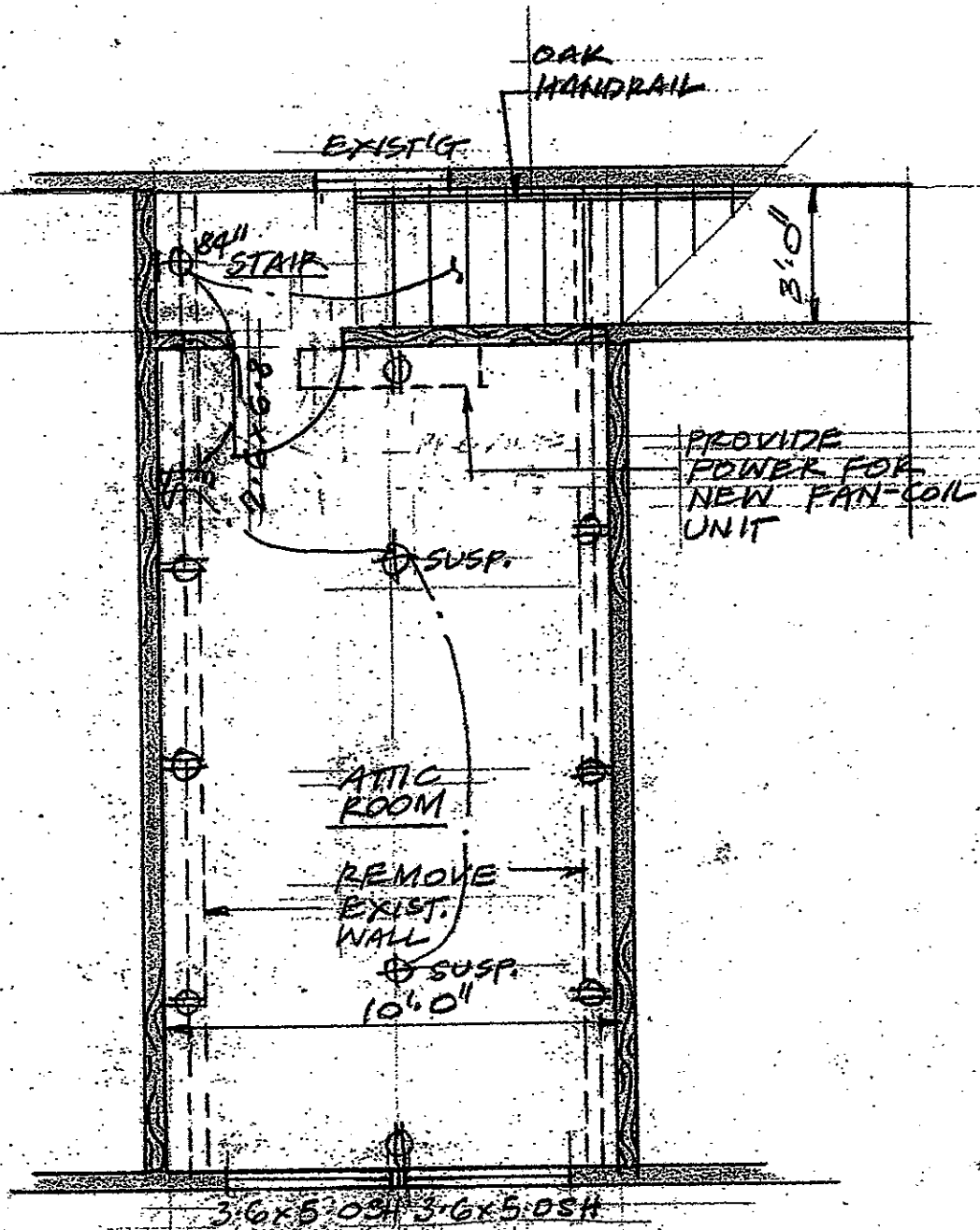
EXIST. DIA.  
DOOR





FIRST FLOOR PLAN

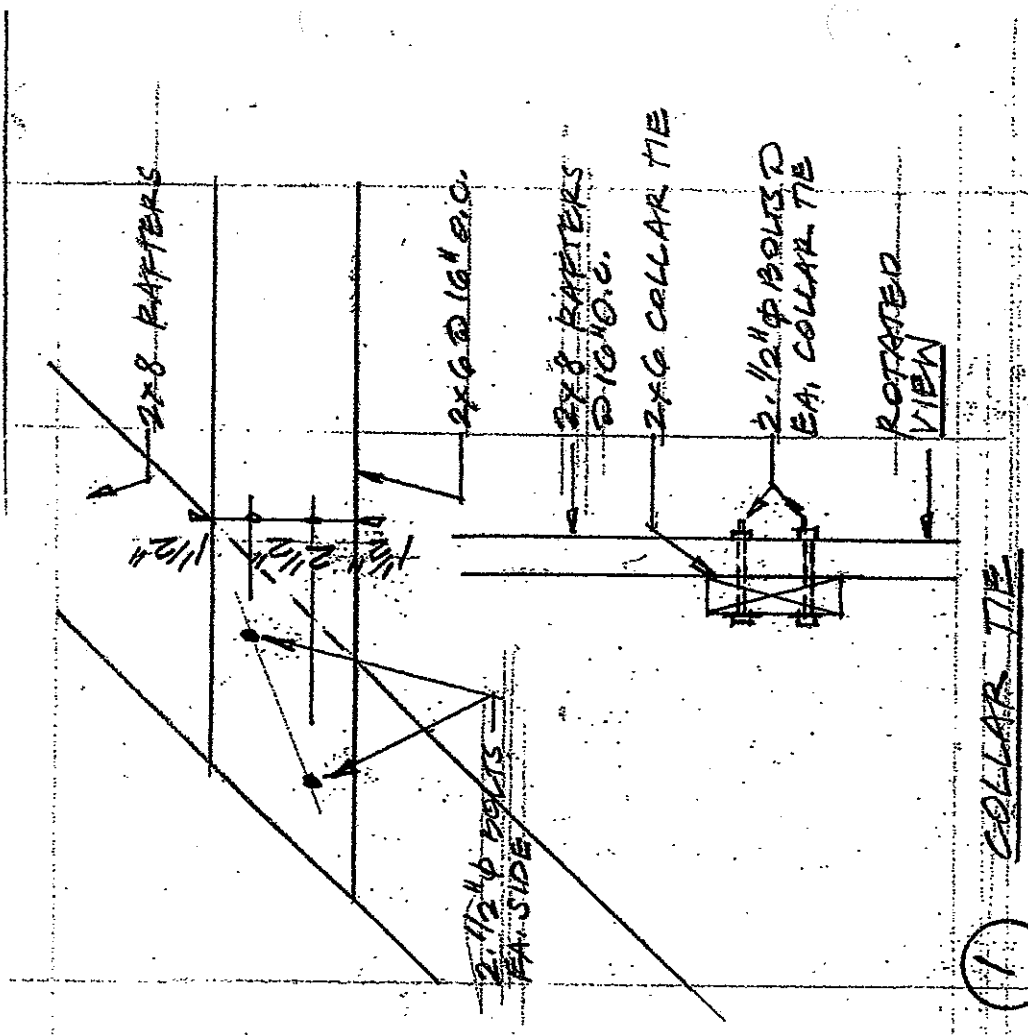
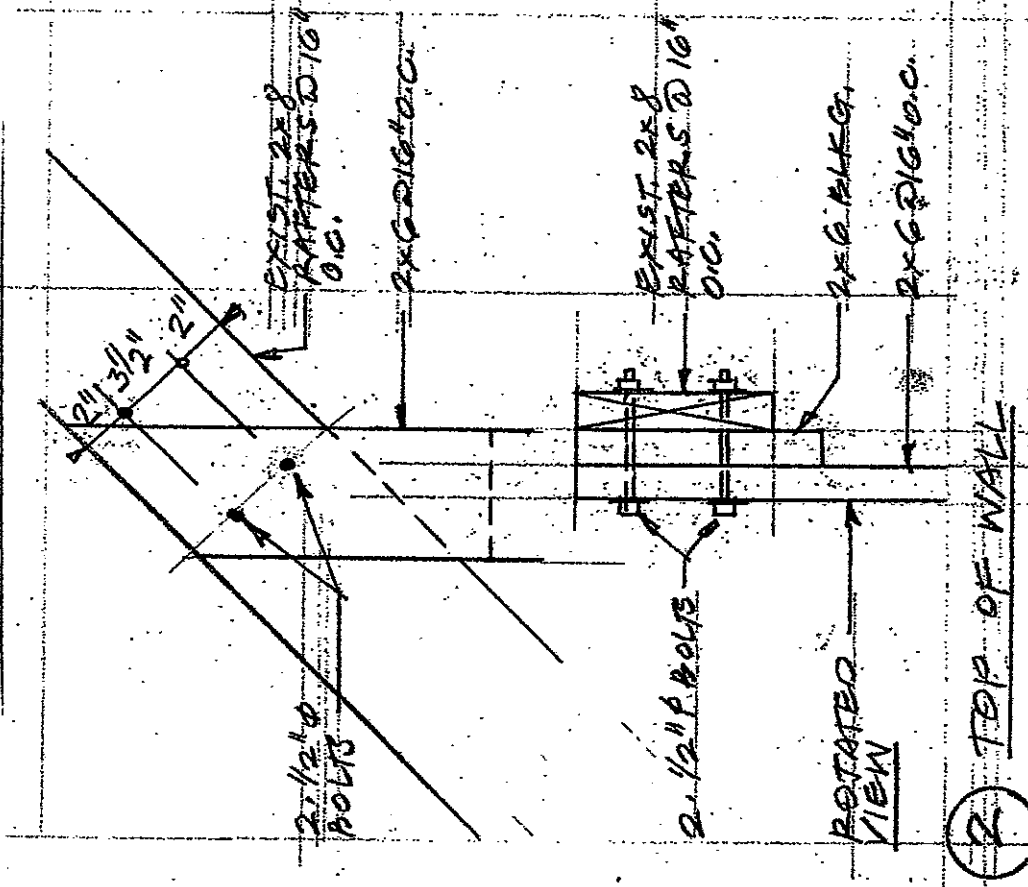
1/4" = 1'-0"

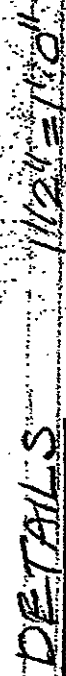


SECOND FLOOR PLAN

1/4" = 1'-0"







1. 1/2" φ BOLT

EXIST. 2x8  
JOISTS @ 16" O.C.

EXIST. TOP  
PLATE

EXIST. 2x8  
RAFTERS

EXIST. 2x8  
JOISTS @ 16" O.C.

1. 1/2" φ BOLT

LINE OF TOP  
PLATE

EXIST. 2x8  
RAFTERS

ROTATED  
VIEW

5 TOP PLATE

# HPI Design & Build Inc.

City of Austin  
Board of Adjustment Review Board

February 22, 2011

Dear Board members,

Antonio Giustino, owner of the residence at 2106 Rabb Glen, Austin, Texas is requesting consideration and a positive response to his request for a variance. He is attempting to make a better and safer use of an existing space. The detached garage was constructed about 17 years ago.

I am the contractor and agent (Ernest Hughes of HPI Design & Build, Inc.) for Mr. Giustino in this remodel project. The project is to take existing attic space in the detached garage and upgrade it to a small office. This office is for his personal & private use. The office will not be used as a home business and will not impact the traffic or parking on Rabb Glen Street.

This attic space will be brought up to meet structural & safety codes in the remodel process. The footprint of the structure will not change. The exterior will remain the same except for changing the upper window to a double pane "E" glass unit. The new window will be slightly larger in height & width.

The plans for this space provide for an efficient air unit (not a wall unit). The plans do not provide for any plumbing, or bathroom space.

This space when remodeled will be Mr. Giustino's private office.

Enclosed in this package are the following documents:

- a. Pictures of the detached garage & utility easement
- b. Approval letter from Austin Energy
- c. Check for \$360.00 to City of Austin Board of Adjustment
- d. Application for General variance
- e. Copy of architected plans for proposed remodel
- f. Copy of the application for a building permit for this project
- g. Copy of original site plan
- h. Copy of most recent survey
- i. Card for HPI Design & Build, Inc.

Your prompt and positive response is appreciated by Antonio Giustino and Ernest Hughes.



Ernest Hughes  
HPI Design & Build, Inc.  
Agent

YOUR HOME IS OUR CASTLE  
3503 Cumberland Gap Cedar Park, Texas 7861















## City of Austin

*Austin's Community-Owned Electric Utility*

[www.austinenenergy.com](http://www.austinenenergy.com)

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

February 17, 2011

Mr. Ernie Hughes  
HPI Design & Build Inc.  
3503 Cumberland Gap  
Cedar Park, Texas 78613

Re: 2106 Rabb Glen  
Lot 4, Block D Avon Heights Section 1

Dear Mr. Hughes,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to remodel garage. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza", with a long horizontal line extending to the right.

Christine Esparza  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker